

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 9, 2009

PRESENT: Marshall, Cordeiro, Parella (arrived at 7:20 o'clock PM), Barboza, and Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Andrew M. Teitz, Assistant Town Solicitor
Marshall J. Netto, Town Sergeant

Presentations: Commendation - Bristol Mustangs

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall presented commendations to the Bristol Mustangs football program as follows:

State of Rhode Island and Providence Plantations
Town of Bristol
Commendation
awarded to

Bristol Mustangs

in recognition of their achievement in winning the Rhode Island Southeastern Massachusetts Division and State Championships.

As the duly elected representatives of the citizens of the Town of Bristol we hereby commend these participants of the Bristol Mustangs Football program upon their success:

Players: Ryan Bartell, Nicholas Borowick, Vaughn Byrd, Joshua Conte, Michael Decosta, Jr., Benjamin Defelice, Jason Ferro, Jake Foreman, William Francis, III, Tyler Gilbert, Benjamin Godfrey, Maxwell Handley, Brent Millard, Chris Lynch, Nicholas Nardacci, Quinlin Preston, David Ramos, Kyle Valenzuela, Nicholas Varrichione, Louis Varrichione, V

Coaches: Robert Millard, Bill Borowick, Steven Lynch, Brian Morrisette, Louis Varrichione

Team Moms: Dorothy Valenzuela, Karen Lynch, Barbara Nardacci

In witness whereof we
have hereunto set our
hands and affixed the
Seal of the Town of
Bristol on adoption this
Ninth day of December, A.
D. Two-thousand Nine.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Chairman

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/s/ Raymond Cordeiro, Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman
Attest: /s/ Louis P. Cirillo, CMC, Council Clerk

State of Rhode Island and Providence Plantations
Town of Bristol
Commendation
awarded to

Bristol Mustangs

in recognition of this organization's many years of service
to the Bristol Community.

As the duly elected representatives of the citizens of the
Town of Bristol we hereby commend all of the officers,
coaches, sponsors, supporters, participants, and associates
of the Bristol Mustang Football League past and present.

In conferring this commendations, the Honorable Town
Administrator and Honorable Town Council of the Town of
Bristol, State of Rhode Island and Providence Plantations,
as the duly elected representatives of all of the citizens
of Bristol, considers the many decades of dedication this
fine organization has brought to the youth of this
community, provides much-deserved accolades for its many
accomplishments, and extends best wishes for a job well done
and continued success now and into the future.

In witness whereof we
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Seal of the Town of
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Ninth day of December, A.
D. Two-thousand Nine.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Chairman
/s/ Raymond Cordeiro, Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman
Attest: /s/ Louis P. Cirillo, CMC, Council Clerk

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Council Chairman Marshall at this time also commended those members of the Christmas Festival Committee for their successful "grand illumination" and thanked those sponsors who provided donations to the event. He also noted the participation of the Departments of Public Works, Police, etc.

Council Chairman Marshall also noted the availability of the services of "East Bay Cares," a local organization established by the Bristol County Lodge of Elks; this group making assistance available to those in need.

Council Chairman Marshall reminded those present of the volunteers available to shovel snow for the elderly. He encouraged those persons in need of assistance to contact Rita Ayres-Gaulin, Benjamin Church Senior Center Director.

Council Chairman Marshall also commended Mt. Hope High School Assistant Principal Jaime Crowley upon his receipt of the 2009 Milken Educator Award for \$25,000.

Council Chairman Marshall also commended the school for its achievements in increasing its graduation rate.

Councilman Cordeiro noted the State administration's plan to close the DCYF offices in Bristol. He noted that this plan was "not a good idea" and would be detrimental to the Town and those persons served by the agency at those offices.

Cordeiro/Herreshoff - Voted
unanimously to add an agenda item
to consider the potential
closing/relocation of the Bristol
DCYF offices.

Cordeiro/Barboza - Voted
unanimously to refer this matter to
the Clerk with the understanding
that he will send a letter to
Governor Carcieri expressing the
Town's concern for the planned
closure/relocation.

At this point in the meeting, the Clerk noted the request to continue agenda items C1 and G12 at the request of the various parties. Action on these items is reflected below.

Executive Session (see item S1)

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It is hereby noted for the record that discussion concerning agenda items K1 and L1 took place at this time.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Herreshoff - Voted
unanimously to approve the Consent
Agenda as prepared and presented.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - November 11, 2009

Herreshoff/Cordeiro - Voted
unanimously to approve these
minutes as prepared and presented.

**2. Town Council and Planning Board Joint Special
Meeting and Public Hearing - December 2, 2009**

Herreshoff/Cordeiro - Voted
unanimously to approve these
minutes as prepared and presented.

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

**Approval of consent agenda="Motion to receive and place
these items on file."**

- 1. Historic District Commission - October 1,
2009**
- 2. Bristol County Water Authority/Public
Relations/Personnel Committee - November 4,
2009**
- 3. Bristol County Water Authority/Engineering
Committee - November 4, 2009**
- 4. Bristol County Water Authority/Audit Finance
Committee - November 4, 2009**
- 5. Bristol County Water Authority/Board of
Directors - October 14, 2009**
- 6. Bristol Housing Authority - October 22, 2009**

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7. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - November 5, 2009

B. OLD BUSINESS

1. Henry Sousa, 147 Bay Spring Avenue, Barrington re pension for service on the Board of Canvassers

Late Item

- a. Town Solicitor Ursillo to Steven Robinson, Esq., re Henry Sousa

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file.

2. Town Administrator Mederos re overnight parking in vicinity of Town Common (& additional parking issues), **continued from October 28, 2009**

Barboza/Herreshoff - Voted unanimously to continue this matter until the meeting of January 6, 2010.

Prior to the vote taken, Police Chief Canario informed the Council that this report is lengthy and suggested that the members may wish to review the document and discuss same at a later date.

3. William Tomasko, Member, Rhode Islanders for Fair Elections - request to address Council re endorsement of legislation creating a voluntary public financing system for elections in RI, **continued from October 28, 2009**

- a. Emily Koo, Rhode Islanders for Fair Elections to Town Clerk Cirillo re information concerning proposed legislation (2009 Fair Elections Bill, Bill Summary, Sample Resolution)

Parella/Barboza - To "go on record" in support of the measure with an awareness that its proposed language may change during the process. Voting in favor of this

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motion was Councilwoman Parella. Voting opposed were Council Chairman Marshall, Councilman Cordeiro, Councilman Barboza and Councilman Herreshoff. Motion failed.

Prior to the vote taken, Mr. Tomasko and Ms. Koo appeared before the Council, providing a summary of their proposal essentially explaining that the measure provides the opportunity for a "level playing field" for candidates for statewide and General Assembly office through the utilization of public funds to finance election campaigns.

Councilman Barboza noted this bill appeared to be ill-timed since the State is in dire financial straits being deeply "in the hole."

Mr. Tomasko noted that the State already has a \$1.5 million fund available which is "vastly underutilized" and that this amount would help fund the new program as proposed.

He also noted that the new program, as proposed, is similar to ones already in place in Arizona, Maine, and Connecticut and that the purpose of same is to keep legislators from the influence of certain lobbyists.

Councilman Barboza asked to know the status of the \$1.5 million fund with Councilwoman Parella explaining that this fund was established for the general office candidates. She further explained that there are very few "takers" since this would limit the amount of funds to be expended on a political campaign.

Council Chairman Marshall asked to know if Bristol's local General Assembly delegation (Gablinske, Gallison, Bates, Felag, and Levesque) were supporting this bill with Ms. Koo responding that the sponsors are Rep. Ajello and Sen. Perry.

Mr. Tomasko reported that the bill has been introduced into the General Assembly for approximately five (5) years and that this time it appears to have the support of the assembly leadership and also several of the cities and towns.

Councilwoman Parella noted that she was of the opinion that the bill was "a great idea" and that special interest groups control the legislature "way too much. She asked to know if the bill has co-sponsors with Mr. Tomasko responding that

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there are seven (7) senators and nine (9) representatives listed as in support of the bill thus far.

Councilman Herreshoff asked to know what the spending limits would be once a candidate qualifies for the program under the bill with Mr. Tomasko responding that the limit for a representative would be \$15,000 and a senator \$30,000.

Councilman Herreshoff stated that he was not certain that the program was "right" especially in consideration of the State's financial problems.

Councilwoman Parella noted that much of the State's financial problems are attributable to the inordinate influence of special interest groups and that the premise of the bill addresses this issue. She also noted that the influence of special interests is "holding back" good government.

Councilman Herreshoff predicted that the bill will have little effect since candidates will generally reject the public finance option in favor of the more lucrative private funding.

Councilwoman Parella stated that the availability of a well designed public funding option will place pressure upon the candidates to accept same.

Mr. Tomasko noted that the bill contains a multiplier to allow candidates up to four times the base amount if they are being outspent by a privately-funded candidate.

Councilman Herreshoff suggested that the program is "too complicated" and will be costly to administer and that the State does not have the funds available to hire those persons necessary to oversee the program. He speculated that the oversight would take many layers of personnel and be extremely costly beyond the cost of the public financing of candidate expenses. He also repeated his earlier comment that the "timing (of this new plan) is wrong."

Mr. Tomasko informed the Council that the bill will "lay dormant" when no funding is available for candidates.

Councilman Cordeiro stated that he was not ready to take action on this item without first speaking to the local General Assembly delegation.

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Councilman Barboza repeated his earlier comment that the timing of this particular measure was ill advised since the State is deeply in deficit,

Councilwoman Parella stated that the idea was essentially conceptual and the final program may not "kick-in" for several years.

Council Chairman Marshall expressed concern that the bill will require more study since it may "morph" into something beyond that which is described by the petitioners.

After the vote taken, Councilwoman Parella suggested that Mr. Tomasko and Ms. Koo should keep the Council informed as to any further action regarding this measure as time progresses.

4. Phyllis Bravo, 155 Franklin Street, Unit 5F (Crow's Nest Condominiums) - request for reimbursement re past real estate assessments, **continued from November 11, 2009**

Late Item

- a. Town Solicitor Ursillo re Crow's Nest Condominiums.

Herreshoff/Barboza - Voted to receive and place this matter on file per the advice of the Town Solicitor. Voting in favor of this motion were Council members Cordeiro, Barboza, and Herreshoff. Voting opposed were Council members Marshall and Parella.

Prior to the vote taken, Council Chairman Marshall expressed concern that the memorandum from the Town Solicitor was not received in advance of the meeting with Assistant Solicitor Teitz explaining that Town Solicitor Ursillo was awaiting information from Owen Hartnett of Clipboard.

Councilman Herreshoff asked to know if the depreciation was applied equitably for all units with Assistant Solicitor Teitz and Tax Assessor Spagnolo replying affirmatively.

Councilwoman Parella expressed concern that the complaint as filed by Ms. Bravo indicates that some of the valuations were changed before others.

Ms. Bravo stated that the timing of the depreciation remains unclear and that she wished to know why some units were

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depreciated at a different amount and some units were not inspected.

Councilman Herreshoff stated that the depreciation appeared to be generous and that Ms. Bravo should be satisfied with the ten percent as received.

Ms. Bravo explained that the problem goes back to 2006 and that some of the units were depreciated at a lower rate than others.

Tax Assessor Spagnolo stated that the confusion seems to be related to a single unit that was considered to have gas versus electric heating.

Councilwoman Parella noted that the matter of the application of depreciation rates still remains unclear.

Tax Assessor Spagnolo stated that the discrepancy appears to be related to the timing of the construction phase and the occupancy phase.

Council Chairman Marshall stated that he was disappointed that the matter appeared to be "going on for months." He also expressed concern that memoranda from the Solicitor's office were not received in a timely manner with Assistant Solicitor Teitz explaining that it is not always possible to receive input from others in time to prepare a memorandum in advance of Council meetings.

Assistant Solicitor Teitz added that the underlying issue is that the Council cannot offer a remedy in this case since there was no appeal filed during the allowed time period. He also noted that the remedy sought appears to be minimal and that the Town may not adjust tax bills outside of the period as allowed by law. He added that doing so would also be unfair to taxpayers who followed the provisions of the statutory time constraints.

5. Building Official Pimenta to Town Solicitor Ursillo re tax assessor records concerning 629 Wood Street, **continued from November 11, 2009**
 - a. Town Solicitor Ursillo re Zoning Ordinances - Unrelated Persons Living in the Same "Household"

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Barboza/Parella - Voted unanimously to take this matter under advisement.

Prior to the vote taken, Assistant Solicitor Teitz reported that the information provided was in response to the Council's inquiry regarding zoning practices in other Rhode Island communities relating to unrelated persons occupying a single household.

Responding to questions posed, Assistant Solicitor Teitz noted that those households containing four (4) unrelated persons would be "grandfathered" were the Town to change its ordinance to allow only three (3) unrelated persons to reside within the same household.

Councilman Herreshoff stated that he had a bad experience renting to a single person living alone and had no problem with a household containing four (4) unrelated persons.

Assistant Solicitor Teitz reminded the Council that the Solicitor's office was not making a recommendation in this case but is rather providing information only.

BB. SPECIAL /STATUS REPORTS

1. Town Administrator Mederos re Department Head Reports
 - a. Water Pollution Control - September, October and November, 2009
 - b. Parks & Recreation - December, 2009
 - c. Rogers Free Library - December 3, 2009
 - d. Building Inspection - August 1, 2009 - November 30, 2009
 - e. Public Works - September, 2009
 - f. Public Works - October, 2009
 - g. Public Works - November, 2009
 - h. Police - December, 2009
 - i. Community Development - September 2009 - December 2009

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j. Tax Assessor - December 4, 2009

Herreshoff/Barboza - Voted unanimously to receive and place this matter on file with an expression of gratitude to those department head providing reports.

Prior to the vote taken, Council Chairman Marshall commented that the report of Director of Community Development Williamson was extensive.

Councilman Cordeiro noted the increase in library use based upon the report as presented by Librarian Prescott.

Councilwoman Parella commented that she was astonished by the quantity of trash as collected by the Department of Public Works.

Councilman Cordeiro asked Police Chief Canario to advise the actual retirement date of Detective Scott Ramsey so that the Council may award the detective with a commendation for service.

C. PUBLIC HEARINGS

1. Director of Community Development Williamson re application for zoning map change of Christopher Francis for ELJ, Inc., 703 Metacom Avenue, from GB (General Business) to M (Manufacturing) with conditions for property located on the northerly side of Tupelo Street (Plat 92A, Lots 35 & 59), **2nd reading**

Late Item

- a. Elizabeth McDonough Noonan, Esq., for ELJ, Inc. - request for continuance of proposed zone change application

Barboza/Herreshoff - Voted unanimously to continue this public hearing until the regular meeting of January 20, 2010 at the request of the parties.

Prior to the vote taken Council Chairman Marshall opened the Public Hearing.

D. ORDINANCES

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1. Ordinance #2009-16, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, Section 17-91, Condition of license operations, July 3--5, **1st reading**

Barboza/Cordeiro - Voted
unanimously to consider this action
to constitute the first reading of
Ordinance #2009-16. Advertise in
local newspaper.

(CA) E. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor Spagnolo re Recommended Abatements & Additions for December, 2009

(CA) F. APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

1. Public Service Appointments
 - a. Conservation Commission (2) (terms to expire 12/2012)
 1. Patrick J. Barosh, 103 Aaron Avenue - resignation
 2. Ronald E. Schroeder, 116 Wood Street - resignation
 3. Clifford C. Woods, Jr., 133 Poppasquash Road - interest/reappointment
 4. Bruce D. Randall, 68 Charles Street - not seeking reappointment

Councilman Cordeiro nominated Mr. Woods for reappointment.

There were no counter-nominations.

Cordeiro/Parella - Voted
unanimously to close nominations
and to instruct the Clerk to cast

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one ballot in favor of Mr. Woods,
term to expire in December 2012.

b. Personnel Board (term to expire 12/2013)

1. Amy M. Marino, 131 Mulberry Road -
interest/reappointment

Councilman Barboza nominated Ms. Marino for reappointment.

There were no counter-nominations.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Ms. Marino,
term to expire in December, 2013.

c. Redevelopment Agency - Alternate Members
(3) (2 terms to expire 12/2011 & 1
vacancy, term to expire 12/2010)

1. Robert Aldrich, 7 Fox Hill Avenue -
interest/reappointment
2. David Charette, 134 Bay View Avenue
- interest/appointment

Late Item

3. Denise J. Arruda, 46 Anchorage
Court - interest/reappointment

Councilman Cordeiro nominated Ms. Arruda and Mr. Aldrich for
reappointment.

There were no counter-nominations.

Cordeiro/Parella - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot each in favor of Ms.
Arruda and Mr. Aldrich, terms to
expire in December 2011.

Cordeiro/Parella - Voted
unanimously to instruct the Clerk
to set a convenient time in order
to interview Mr. Charette.

- d. Juvenile Hearing Board (2) (terms to
expire 12/2012)

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1. Tim A. Kemmy, 28 Lindberg Avenue - interest/reappointment

Late Item

2. Linda Lou DuBois, 21 Riverview Avenue - interest/reappointment

Councilman Cordeiro nominated Ms. Kemmy and Ms. DuBois for reappointment.

There were no counter-nominations.

Cordeiro/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Ms. Kemmy and Ms. DuBois, terms to expire in December, 2012.

- e. Board of Tax Assessment Review (term to expire 12/2012)

1. Leonard A. Calandra, 46 Monterey Road - interest/reappointment

- a. Recommendation - John E. Faria, Chairman, Democratic Town Committee

- i. Council Clerk Cirillo to John E. Faria, Chairman, Democratic Town Committee and Thomas M. Carroll, Chairman, Republican Town Committee re Board of Tax Assessment Review appointment

- b. Recommendation - Tax Assessor Spagnolo

Councilman Barboza nominated Mr. Calandra for reappointment.

There were no counter-nominations.

Barboza/Cordeiro - Voted unanimously to instruct the Clerk to cast one ballot in favor of Mr. Calandra, term to expire in December 2012.

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- f. North and East Burial Grounds Commission
- Alternate (vacancy, term to expire
1/2013)

- 1. Susan C. Church, 29 Garfield Avenue
- interest/appointment

Councilman Cordeiro nominated Ms. Church for appointment.

There were no counter-nominations.

Cordeiro/Barboza - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Ms. Church,
term to expire in January 2013.

- (CA) 2. Public Service Appointments for January

G. LICENSING BOARD - NEW PETITIONS

- 1. Eric Francis Liebl, 22 Smoke Rise Circle,
Swansea, MA, d/b/a Witchdoktor Tattoo Studio,
11 Gooding Avenue - request for a Tattooing
License

- a. Recommendation - Principal
Planner/Zoning Enforcement Officer
Tanner

- b. Recommendation - Chief of Police

Barboza/Cordeiro - Voted to grant
this license based upon the
recommendations received and
subject to conformance to all laws
and ordinances and payment of all
fees, levies, and taxes. Voting in
favor of the granting of this
license were Council Chairman
Marshall, Councilwoman Parella, and
Councilmen Cordeiro and Barboza.
Voting opposed was Councilman
Herreshoff.

- 2. Berta Raposo for St. Elizabeth Church, 577
Wood Street - request for a One-Day Dancing
and Entertainment License, December 31, 2009

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a. Recommendation - Chief of Police

Cordeiro/Barboza - Voted unanimously to grant this license based upon the recommendation received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

3. Rizwan Ahmed, d/b/a The Hourglass Brasserie, 382 Thames Street - request for a BV Intoxicating Beverage License

a. Recommendation - Chief of Police

Barboza/Parella - Voted unanimously to instruct the Town Solicitor to draft the language necessary to amend the ordinance to allow for an additional Class B Victualler Intoxicating Beverage License and also to schedule a Public Hearing to consider the above petition for January 20, 2010 beginning at 7:00 o'clock PM.

Prior to the vote taken, Mr. Ahmed informed the Council of his intention to convert the former "Tuplin's Garage" property on Thames Street to a full-service restaurant and that he was requesting a liquor license in order to offer alcoholic beverages to his dining customers.

Councilman Barboza noted that the Council may consider a new license for this establishment but that it would likely grant this license with restrictions - these being related to hours of operation and with no bar-seating allowed.

Mr. Ahmed informed the Council that he did not intend to operate a "bar" but would like to have seating in the bar area for those customers awaiting a table.

Councilman Barboza explained that the Council did not typically allow bar seating of any kind when considering new licenses and that a proposed licensee would likely be required to agree that his establishments would not have a bar with seating for patrons.

Mr. Ahmed stated that he would be amenable to an arrangement of a service bar only that would not have seats for patrons.

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Councilman Barboza also explained that the Council has stipulated hours of operation when granting new liquor licenses; avoiding late-night operation of liquor-serving establishments. Councilwoman Parella added that this restriction has been consistently applied with new establishments.

Councilman Cordeiro asked to know why Mr. Ahmed is requesting a full liquor license at this time with Mr. Ahmed responding that he would like his restaurant to be full-service.

Councilwoman Parella asked to know if Mr. Ahmed continues to operate the "Hourglass" at Vanderbilt Hall in Newport with Mr. Ahmed responding that the new management at Vanderbilt Hall displaced him and that he would prefer to operate a restaurant in Bristol since he is a Bristol resident.

After the vote taken, Daniel Converse of Century 21 informed the Council that the granting of these licenses would enhance the completion of the renovations of this building.

Councilman Cordeiro asked to know if Mr. Ahmed plans to occupy the entire building with Mr. Converse explaining that the plan is to occupy the south side of the building. He also explained that there are eleven (11) on-site parking spaces.

4. Rizwan Ahmed, d/b/a The Hourglass Brasserie, 382 Thames Street - request for a Victualling License

- a. Recommendation - Water Pollution Control Facility

Barboza/Parella - Voted unanimously to grant this license based upon the recommendation received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

5. Jennifer Cavallaro, d/b/a The Beehive Café, 10 Franklin Street - request for a BV Limited Intoxicating Beverage License

- a. Recommendation - Chief of Police

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Barboza/Herreshoff - Voted
unanimously to schedule a Public
Hearing to consider the above
petition for January 20, 2010
beginning at 7:00 o'clock PM.

Prior to the vote taken, Councilwoman Parella noted that the subject establishment is known to be a "coffee-shop" and asked to know if a liquor license is necessary in this case.

Ms. Cavallaro explained that her original business plan included only coffee and pastries but she has adjusted this plan and hired a chef in order to remain in business, adding a lunch menu.

She further explained that the lunch menu will be enhanced if she is allowed to offer her deck patrons beer and wine with their meal.

Ms. Cavallaro also explained that she does not intend to change the focus of her business with the addition of a limited liquor license.

6. Jennifer Cavallaro, d/b/a The Beehive Café,
10 Franklin Street - request for a Hawkers
and Peddlers License (to sell pastries and
beverages at the "Snowflake Raffle Drawing"
on December 20, 2009 and at other similar
events)

- a. Recommendation - Chief of Police

Barboza/Parella - Voted unanimously
to grant this license with the
location of the activity to be
specified by the Bristol Downtown
Merchants Association "Snowflake
Drawing" Committee.

Prior to the vote taken, Ms. Cavallaro explained that she was approached by the Downtown Merchants Association to operate this food concession and that she may wish to operate similarly in the future.

Assistant Solicitor Teitz explained that the license must be specific insofar as any special exceptions to the license (i.e. remaining stationary) are concerned. He also observed that the license, as issued, must contain these provisions.

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It was noted that Ms. Cavallaro may request a fee-waiver should she return to the Council in order to sell at other similar events within the license year.

7. Jill Marshall, d/b/a Nutrition 4 Life, 703 Metacom Avenue - request for a Victualling License
 - a. Recommendation - Water Pollution Control Facility

Barboza/Cordeiro - Voted unanimously to grant this license based upon the recommendation received and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies.

8. Joseph P. Carissimi, Jr., d/b/a East Bay Laundromat, 26 Gooding Avenue - request for a Public Laundry License (new ownership)

Barboza/Parella - Voted unanimously to grant this license contingent upon the receipt of positive recommendations and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies.

9. Zaheer Abbas, d/b/a Midland Farms, 429 Wood Street - request for a Victualling License
 - a. Recommendation - Water Pollution Control Facility

Barboza/Cordeiro - Voted unanimously to grant this license based upon the recommendation received and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies.

10. Zaheer Abbas, d/b/a Midland Farms, 429 Wood Street - request for a Holiday Sales License

Barboza/Cordeiro - Voted unanimously to grant this license

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contingent upon the receipt of positive recommendations and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies.

11. Stephen Squatrito, d/b/a Back Road Grill, 549 Metacom Avenue - request for a One-Day Dancing and Entertainment License on December 31, 2009

Herreshoff/Barboza - Voted unanimously to grant this license contingent upon the receipt of positive recommendations and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies.

12. Chris Fonseca, d/b/a Chris Fonseca Construction Corp, P.O. Box 1261 - request for a Drainlayer's License

Barboza/Herreshoff - Voted unanimously to continue this matter until the regular meeting of January 6, 2010.

H. LICENSING BOARD - RENEWALS

1. Drainlayers License Renewals for 2010

- a. Recommendation - Director of Public Works

Herreshoff/Barboza - Voted unanimously to grant renewal of these licenses based upon the recommendation as received and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies.

2. Junk and Second Hand License Renewals for 2010

- a. Recommendation - Chief of Police

Late Item

- b. Supplemental Junk and Second Hand Dealer's License Renewal petitions

Parella/Barboza - Voted to grant renewal of these licenses based upon the recommendation as received and subject to conformance to all laws and ordinances and payment of all taxes, fees, and levies. Voting in favor of this motion were Council Members Cordeiro, Parella, Barboza, and Herreshoff. Council Chairman Marshall recused.

Prior to the vote taken, Council Chairman Marshall recused himself from the discussion and vote and excused himself from the Council table relinquishing the gavel to Vice-chairman Cordeiro.

After the vote taken Council Chairman Marshall returned to the Council table and reassumed the gavel.

(CA) I. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

1. Road Cut Permits - DPW
2. Sewer Permits - WPCF

J. PETITIONS - OTHER

1. Nicholas Kearney for Downtown Bristol Merchants Association - request to close State Street between Thames and Hope Streets on December 20, 2009 from 5:00 - 8:00 PM for announcing winners of the "Snowflake Raffle"

a. Recommendation - Chief of Police

Cordeiro/Herreshoff - Voted unanimously to grant this petition per the recommendation received and subject to conformance to all laws and ordinances.

2. Dominic J. Calarco, 413 Metacom Avenue - request opportunity to address Council re drainage issues

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Herreshoff/Barboza - Voted
unanimously to continue this matter
until the meeting of January 6,
2010 and to refer same to Town
Administrator Mederos and Public
Works Director Serbst.

Prior to the vote taken, Mr. Calarco informed the Council that the repaving of Metacom Avenue many years ago resulted in a problem with Carr Lane being lower than Metacom Avenue with the further complication of the accumulation of water on his property and in front of his driveway.

Mr. Calarco further informed the Council that the problem began with this repaving by the State and that he was in contact with former Department of Public Works Director Paul Romano concerning same.

Councilman Herreshoff asked to know what Mr. Calarco would like the Town to do with Mr. Calarco stating that he would like to have a drain placed upon Metacom Avenue to relieve the rainwater that collects in front of his home.

Mr. Calarco also informed the Council that he was recently cited for pine trees in need of trimming and that the citation indicates a potential fine of \$100 per day for non-compliance.

Mr. Calarco observed that he wishes to fine the Town of Bristol \$100 per day for the drainage problem in front of his property.

Mr. Calarco also stated that former Town Administrator Joseph Parella posed a solution in that a trench would be dug in front of Mr. Calarco's home but he (Mr. Calarco) objected to this since he was of the opinion that the trench would be unsuitable and also that it would negatively impact his fruit trees growing nearby.

Mr. Calarco also informed the Council that the Town was culpable since it approved the State's repaving plans.

Town Administrator Mederos reported that Mr. Calarco is "very patient" concerning this ongoing problem and that the State was asked to facilitate a repair to the section of Metacom Avenue near Carr Lane. Town Administrator Mederos further reported that the State in-turn, designed a drainage system for the area on behalf of the Town. Town Administrator Mederos further reported that the estimated

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cost to build the drainage system, as proposed by the State, is approximately \$130,000 and is therefore impractical.

Town Administrator Mederos also reported that the Town contacted its engineer, Kevin McBride, concerning this matter and Mr. McBride poses a more cost-effective solution.

Mr. Calarco stated that he would consider the plan as proposed by Mr. McBride provided that it does not damage his fruit trees. Town Administrator Mederos agreed to arrange a meeting with Mr. Calarco, Public Works Director Serbst and Mr. McBride to review potential solutions and report back to the Council.

3. Freeman Dias, 41 Church Street - request for a handicap parking space in vicinity of 41 Church Street, **1st reading**

- a. Recommendation - Director of Public Works

Cordeiro/Barboza - Voted
unanimously to consider this action
to be the first reading of this
request for a handicap parking
space and to continue same for
second reading for adoption on
January 6, 2010.

4. Zaheer Abbas, d/b/a Midland Farms, 429 Wood Street - request to mount a projecting sign over Town Sidewalk

Parella/Herreshoff - Voted
unanimously to allow Midland Farms
to erect a sign over the public
sidewalk provided that a
certificate of insurance
indemnifying the Town is received
and kept current and also that the
size, appearance and location of
said sign shall be otherwise in
compliance to the provisions of the
Town Code.

5. Zaheer Abbas, d/b/a Midland Farms, 429 Wood Street - request for four (4) fifteen (15) minute parking spaces, two (2) on Bradford Street and two (2) on Wood Street

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- a. Recommendation - Director of Public Works

Cordeiro/Herreshoff - Voted
unanimously to deny the petition.

Prior to the vote taken, Councilman Cordeiro observed that short-term parking spaces - formerly placed in that area - were detrimental to the proprietors of nearby businesses.

Councilman Cordeiro also observed that the subject premises has its own parking lot and therefore does not appear to need short-term on street parking.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Director of Parks and Recreation Burke re review of design plans for "Bristol Town Beach Water Quality Improvements" by Gifford Design Group, Inc.

It is hereby noted for the record that action on this agenda item took place at the commencement of this evening's meeting.

Barboza/Cordeiro - Voted
unanimously to suspend the order of business and bring forward agenda item K1 and L1 for consideration at this time.

Barboza/Cordeiro - Voted
unanimously to receive and place this matter on file.

Prior to the votes taken, Recreation Director Burke noted the presence of George Gifford from the Gifford Design Group. He further noted that Mr. Gifford was present in order to inform the Council concerning a proposal to improve water quality for the runoff emanating from the parking area at the Town Beach.

Mr. Burke also explained that the project will cost approximately \$1 million and that the bid for this project will be received by the Council later this evening.

Mr. Gifford informed the Council that he planned to explain the proposal quickly this evening, presenting the master plan. He noted that the plan includes addressing the runoff of the Town property and a "large portion" of State property

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that is the subject of negotiation for long term lease use between the Department of Environmental Management and Recreation Director Burke on behalf of the Town.

Mr. Gifford explained that the plan includes rehabilitation of four (4) areas adjacent to the Town Beach; these include:

- Beach Parking Lot which is now an impervious surface that is sending pollutants directly into the bay. The Plan to "break up" the surface area, providing "bio-filtration swales" at certain locations. These swales will capture rain water and clean pollutants left behind by automobiles.
- The nearby recreation area will be "rebuilt" to include bio-filtration features.
- The "back beach" area will be landscaped so as to disrupt the flight pattern of non-migratory birds thus preventing the proliferation of bird droppings which eventually wash into the bay.
- The "service road" will be replaced with either a narrower pavement or with permeable pavers allowing for more bio-filtration of runoff.

Mr. Gifford noted that the bid package was "set-high" in order to allow for many options depending upon cost.

Recreation Director Burke clarified that this project is not being funded through a grant but will rather be supported by a State Revolving Fund (SRF) water quality improvement loan that will carry a payback of approximately 85% over twenty (20) years. He also noted that the interest on the loan is paid by the SRF program and due to this program the Town's expenditure of interest on the loan is equal to 0%.

Recreation Director Burke also reported that the SRF loan amount is for \$1 million and that he will continue to pursue the long-term lease on the additional recreational fields from the State Department of Environmental Management since this is not yet secured.

2. Jean M. Fecteau, Gloucester Town Clerk - request for support of resolution in opposition to House Bill 5931 and Senate Bill 606 which would reduce the RI Housing foreclosure period from five (5) years to one

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(1) or two (2) years depending on property owner circumstances

a. House Bill 2009--H 5931

b. Senate Bill 2009--S 0606

Barboza/Parella - Voted unanimously to refer this matter to Town Solicitor Ursillo and continue same until the meeting of January 6, 2010.

3. Raymond DeLeo, (President, Federal Properties of R.I., Inc.) - request for consideration of revision to Road Cut Permits re Excavation and Backfilling Procedure

Barboza/Parella - Voted unanimously to refer this matter to Town Administrator Mederos and Public Works Director Serbst and to also correct the subject form to include the current practice.

Prior to the vote taken, Public Works Director Serbst reported that the actual practice is inconsistent with the information listed on the form which is 25-35 years old and likely a typographical error from that time.

Public Works Director Serbst also reported his intention to change the form used in order to better reflect the actual practice.

4. Councilman Barboza re press release concerning newly enacted legislation sponsored by Rep. Gallison strengthening penalties for underage drinking by boaters

a. House Bill 2009--H 5289

Barboza/Parella - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Barboza noted that Bristol was in the forefront concerning issues relating to substance abuse prevention. He noted the presence of Substance Abuse Prevention Task Force Chairman Vicky White and also the presence of Rep. Raymond E. Gallison, Jr.

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Ms. White informed the Council that the subject bill was introduced with the help of Rep. Gallison and that this bill was based upon a law enacted in New York State by former Gov. George Pataki during the 1990s.

Rep. Gallison acknowledged the participation of Rep. Douglas Gablinske, Rep. Jan Malik and others in passage of this new legislation.

Councilman Cordeiro noted that the Pataki bill was in response to the tragic death of a Roger Williams University student who was killed in a boating accident in New York State.

5. Susan Studlien, Director, Office of Environmental Stewardship, U.S. EPA - New England Region re the importance and value of maintaining wastewater infrastructure

Herreshoff/Cordeiro - Voted
unanimously to receive and place
this matter on file.

6. Town Administrator Mederos re BRAC update from Director of Community Development Williamson

Barboza/Herreshoff - Voted
unanimously to receive and place
this matter on file with thanks to
Town Administrator Mederos and
Director of Community Development
Williamson.

Prior to the vote taken, Town Administrator Mederos noted that Director of Community Development Williamson attended a BRAC conference and that she (Director of Community Development Williamson) provided an excellent report concerning the status of the local BRAC project (Quinta-Gamelin Army Reserve Center).

Director of Community Development Williamson reported that she attended this conference free of charge as a guest of the Federal Government and that others similarly involved in base/reserve center closures were also in attendance.

Director of Community Development Williamson reported that the BRAC project must be completed by September 15, 2011, but that the time frame might be extended due to the fact

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that the new Army Reserve Center in Newport is not yet built. She further noted that the Town may receive title to the property under the condition that the Town leases the property back to the Army until the new center is completed and occupied.

Director of Community Development Williamson also reported that the building will be coming to the Town as a "public use conveyance" for the purposes of a recreation/community center and that this use must be held in perpetuity.

Councilman Cordeiro asked to know if the Town must do anything at this time in order to move the process forward with Director of Community Development Williamson responding that there was essentially nothing for the Town to do at this time.

Council Chairman Marshall suggested that Director Sullivan of the Department of Environmental Management might become involved in this project since there are opportunities for State/Town collaborations.

Council Chairman Marshall also suggested that the site might be added to the list for the East Bay Energy Consortium with Director of Community Development Williamson agreeing to do so.

Councilman Herreshoff stated that he was pleased to know that Director of Community Development Williamson attended the conference on behalf of the Town.

7. Council Clerk Cirillo re reschedule of September 15, 2010 Council Meeting to September 8, 2010

Herreshoff/Barboza - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, the Clerk reported that the change of meeting date was no longer recommended since its implementation might create another schedule conflict.

8. RI Coastal Resources Management Council re Public Hearing scheduled for consideration of proposed changes to the RI Coastal Resources Management Program on January 12, 2010

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Parella/Cordeiro - Voted
unanimously to receive and place
this matter on file.

9. Town Administrator Mederos re proposed
Fire/Rescue Station recommendations from
Chief Martin

Herreshoff/Barboza - Voted
unanimously to appropriate \$200,000
from the plan review account to the
Fire/Rescue building capital
project.

Barboza/Herreshoff - Voted
unanimously to authorize the Town
Administrator to initiate the sale
of the former fire/rescue station
on Franklin Street.

Cordeiro/Barboza - Voted
unanimously to refer this matter to
a sub-committee to be arranged by
the Town Administrator with the
specific request that the matter be
addressed on an expedited basis.

Prior to the votes taken, Town Administrator Mederos recommended approval of Fire Chief Martin's plan to appropriate \$200,000 from funds derived from plan reviews to partially finance the completion of the new Fire/Rescue building on Annawamscutt Drive.

Councilman Herreshoff asked to know the source of this funding with Town Administrator Mederos responding that the Fire Department obtains certain fees for the review of plans and inspection of fire systems of building projects and that the funds were the result of these inspections. Town Administrator Mederos added that there were some exceptionally large projects recently resulting in larger than typical revenues.

Town Treasurer Day added that the funds were set aside for departmental training and a large portion of the new fire building is devoted to departmental training that it would be acceptable to use these funds for the capital project. Town Treasurer Day added that this appropriation was previously discussed as part of the capital plan.

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Council Chairman Marshall asked to know the fund balance in the plan review fee account with Town Treasurer Day responding that the fund contains \$240,000.

Councilman Herreshoff suggested that the Town should proceed cautiously with this funding since he was concerned that necessary training funds would be depleted.

Councilman Cordeiro stated that he was in agreement that training funds could be used to construct a training facility.

Town Administrator Mederos noted that Fire Chief Martin recommends a lease/purchase arrangement in order to replace Engine 1. She suggested that Town Treasurer Day outline the Town's current capital projects.

Town Treasurer Day explained that the Town has several capital projects that are either in-process or pending; these being the Animal Shelter, road repaving, drainage and that funds are limited. He suggested that the Council establish a committee to review these and help set priorities.

Councilman Herreshoff agreed that the Town had "too many balls in the air" and asked if we can "live with" the existing Engine 1 for a longer period. He also expressed concern that a lease/purchase may be overly expensive as compared to an outright purchase.

Town Administrator Mederos noted the Chief's concern that the specifications for a new fire engine may change in the near future increasing the cost of same.

Councilman Herreshoff stated that the concern for increasing cost seems to surface in every capital project and that he did not agree that this should be the sole deciding factor in this case.

Councilman Barboza noted that the purchase study committee "worked long and hard" in researching the acquisition.

A discussion ensued regarding the type and availability of fuel used by the new engine with Public Works Director Serbst responding that the Public Works Department already has the appropriate fuel on hand.

Councilman Barboza expressed concern that the existing Engine 1 might be beyond repair since it is twenty-five (25) years old.

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Councilwoman Parella asked to know the price of a new truck with Councilman Barboza responding that the price is approximately \$700,000.

Council Chairman Marshall asked to see a report outlining "all of the numbers."

Councilwoman Parella stated that she was also concerned about a lease/purchase since these arrangements can cost twice the amount of an outright purchase. Councilwoman Parella also asked if there was a financial report available.

Town Administrator Mederos noted that the Fire Department Committee members were present and that the Council may wish to hear from them.

Robert Garcia, representing the Committee, informed the Council that the new truck will cost approximately \$717,000 and that the present Engine 1 was purchased in 1985 and contains parts from the former Engine 1 which was purchased in the 1960s.

Mr. Garcia also explained that the existing Engine 1 was not in compliance with NFPA regulations in that it has an open cab in the rear. He also noted the existing Engine 1 would become a reserve engine, replacing Engine 5, a 1974 Maxim.

Mr. Garcia informed the Council that he was unsure about the lease-interest rates but that Oshkosh (the dealer) offered many options and that this company was willing to "work with" the Town.

Councilwoman Parella asked to know if Mr. Garcia had details of the terms of a lease with Mr. Garcia responding "not yet."

Mr. Garcia also informed the Council that the anticipated price increase after the beginning of the new year was 10-12% and that new NFPA regulations going into effect in 2010 would likely drive the price higher still.

Councilman Herreshoff asked Mr. Garcia if he could get lease/purchase financials from the dealer with Mr. Garcia stating that he did not think that he could get these in short order.

Councilwoman Parella expressed concern that the Town might eventually learn that it paid \$1.5 million for the engine at the end of the lease.

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Mr. Garcia stated that he was of the opinion that the cost to finance the lease was "minimal".

Councilwoman Parella asked to know the anticipated down-payment with Mr. Garcia responding \$200,000 would be needed for a down-payment.

Town Treasurer Day informed the Council that the Town did not have funds set aside for an outright purchase.

A discussion ensued regarding the selection of the specific truck with Mr. Garcia informing the Council that he, Jeffrey Mascola and Keith Manceiri attended a trade show in Indianapolis, Indiana, at their own expense in order to examine the various trucks.

He also informed the Council that the Committee's goal to have a local dealer/service establishment limited the choices and that the recommended vehicle has a dealer/service establishment in Walpole, Massachusetts, thus making service and repairs convenient.

Councilman Herreshoff asked to know if the project had been out to bid with Mr. Garcia responding that Town Solicitor Ursillo determined that a bid is not necessary since the product and conditions indicate a sole source and also that the Town of Cumberland had recently bid a similar project and was purchasing a similar engine.

Councilman Herreshoff asked if Mr. Garcia had a document from Town Solicitor Ursillo outlining this matter with Mr. Garcia reporting that Town Solicitor Ursillo corresponded with him via e-mail messages and that these messages were available.

Town Treasurer Day reported that he was aware of Town Solicitor Ursillo's e-mails concerning this matter and was in receipt of same.

Council Chairman Marshall noted that the remaining State revenue sharing funds are in jeopardy and that the Town must take this into account when making any major purchases; especially those that can be deferred.

Mr. Garcia reminded the Council that the price of the purchase will increase in 2010 and also that the new requirements will carry an additional cost.

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Councilman Herreshoff expressed concern that none of this information was being provided in writing and that there appeared to be no documents.

Mr. Garcia agreed to make telephone calls to get documents.

Councilman Herreshoff stated that he would like to know the extent of the price increase that would be effective in 2010.

Council Chairman Marshall and Councilman Cordeiro asked if the Town might be able to receive grants to purchase this equipment in consideration of the planned LNG terminal with Mr. Garcia explaining that grants for fire engines were not readily available and that those available were very competitive.

Councilwoman Parella noted that grants to fire departments tend to be more training related than to support capital purchases.

Mr. Garcia also informed the Council that he is responsible for grants within the Police Department and that police departments receive grants more readily than fire departments do.

James Vieira, Battalion Chief, reminded the Council that the Town has received grants for the "burn trailer," and also for training and fire prevention. He also noted that available funds have diminished of late.

Town Administrator Mederos asked to know if the PILOT program from Roger Williams University might be used for this purpose with Town Treasurer Day responding that the current payment of \$100,000 (2008) was set aside for the replacement of the Colt Memorial Ambulance and that the next payment is not due until 2013.

Councilman Herreshoff asked to know what will become of the existing Engine 5 with Battalion Chief Vieira reporting that this vehicle will be likely sold to a collector for approximately \$20,000.

Mr. Garcia reported that the capital plan for this new Engine 1 is "turnkey" with all equipment included. He noted that the equipment will cost approximately \$100,000 leaving the cost of the truck itself at \$600,000.

Council Chairman Marshall agreed that the decision should be made based upon the recommendation of a sub-committee

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including administration, the department and representatives of the Council and that this sub-committee should meet as soon as possible; perhaps on Friday.

Councilwoman Parella recommended that the Fire Department should have a more "spread-out" capital replacement plan since the various fire engines last for twenty-five years. She suggested that the plan might set-aside a certain amount in each of the twenty-five years in-between purchases.

Councilman Herreshoff agreed that the capital planning needs to be more widespread.

Mr. Garcia agreed to provide financial information regarding lease terms and engine specifications. Police Chief Canario agreed to allow Mr. Garcia time to obtain this information due to the urgency of the request.

L. BILLS & EXPENDITURES

1. Bid #689 - Bristol Town Beach Water Quality Improvements

Barboza/Parella - Voted unanimously to bring item L1 forward to discuss same as part of the presentation by Gifford Design Group.

Barboza/Parella - Voted unanimously to refer this matter to the Town Administrator and Director of Parks and Recreation to act in the best interest of the Town.

Prior to the vote taken, the Council voted to consider this matter closer to the commencement of this evening's agenda.

The Clerk noted the receipt of five (5) bids and read the base-bid for each as follows:

LAL Construction Co. Inc.	\$696,380.00
D'Ambra Construction Co. Inc.	\$683,000.00
J. H. Lynch & Sons. Inc.	\$738,500.00
Cardi Corporation	\$975,000.00
Sherry Construction Corp.	\$780,000.00

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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Approval of consent agenda="Motion to receive and place this item on file."

1. Town Treasurer Day re Monthly/Quarterly Report Fiscal Year Ending September 30, 2009
2. (Town Treasurer Day) re Revenue and Expenditure Statement, December 4, 2009

P. PROCLAMATIONS & CITATIONS

1. Commendation - Edward P. Mara, Ed.D, years of service as Superintendent of the Bristol Warren School District

Herreshoff/Cordeiro - Voted unanimously to adopt this commendation as prepared and presented.

2. Commendation - Jane F. Correia, years of service as Director of Administration and Finance for the Bristol Warren School District

Herreshoff/Cordeiro - Voted unanimously to adopt this commendation as prepared and presented.

3. Citation - Madeline Grimo, 2009 "Spirit of Christmas" award

Herreshoff/Cordeiro - Voted unanimously to adopt this citation as prepared and presented.

4. Commendation - Bristol Mustangs

Herreshoff/Cordeiro - Voted unanimously to adopt this commendation as prepared and presented.

5. Commendation - Bristol Mustangs, Rhode Island Southeastern Massachusetts Division and State Champions

Herreshoff/Cordeiro - Voted unanimously to adopt this

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commendation as prepared and presented.

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and filed by Council)

Approval of consent agenda="Motion to receive and place these items on file."

1. Warrant - Charles Cavalconte, North and East Burial Grounds Commission
2. Supplemental Victualling License Renewal Petition (granted October 28, 2009)
3. Supplemental Holiday Sales License Renewal Petitions (granted October 28, 2009)
4. Town Solicitor Ursillo re General Commission Advisory 2009-4; Secondary Employment
5. Town Clerk Cirillo to Urbane Construction Corporation re return of bid documents received after deadline for Bid #688 - Sub-Contract Renovations to 9 Court Street; Ramp & Stairs, and Railing.
6. Town Administrator Mederos to Kevin J. Fox, Yard Works, Inc. re award of Bid #686, Fall 2009 Tree Planting
7. Raymond DeLeo, President, Federal Properties of R.I., Inc. to Pasquale DeLise, PE, Executive Director, Bristol County Water Authority re request for copy of Hydraulic Study and consideration of policy revision to have BCWA fund the extension of water service to existing neighborhoods
8. RI Coastal Resources Management Council re consideration of application by Constance Poholek to construct and maintain a residential boating facility at 86 King Philip Avenue
9. RI Coastal Resources Management Council re consideration of application by Franklin & Elaine Gray to construct and maintain a residential boating facility at 60 Smith Street

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10. Notice of Town Code Violation re Section 10-41 (j) Disorderly house at 73 Gooding Avenue
11. Notice of Town Code Violation re Section 10-41 (j) Disorderly house at 6 Burke Road
12. Notice of Town Code Violation re Section 10-41 (j) Disorderly house at 78 Washington Street
13. Council Clerk Cirillo to Raymond Payson, et al re thank you for service on the Open Space Committee
14. Notice of Town Code Violation re Section 10-41 (j) Disorderly house at 7 Kennedy Court
15. Warrant - Clifford C. Woods, Jr., Conservation Commission
16. Council Clerk/Clerk of the Local Licensing Authority Cirillo to Jerry Durante, Credit Manager, All American Foods, Inc. re liquor license of Ricc's Ristorante
17. RI Coastal Resources Management Council - December 2009 Calendar
18. Town Clerk/Council Clerk Cirillo to Vatche Avedissian, d/b/a Classic Pizza & Grill, 390 Metacom Avenue re Alcoholic Beverage License
19. Warrants - Noise Study Committee
20. Joan Doyle Roth, Chair, Concerts on the Common re Hawkers and Peddlers License of Rebecca Hanos, d/b/a Just Dogs (granted November 11, 2009)
21. Rhode Island Clean Water Finance Agency re Financial Statements and Supplemental information for the years ended June 30, 2009 and 2008
22. Town Administrator Mederos to David F. Rampone, Hart Engineering Corporation re award of Bid #683, Wastewater Treatment Facility & Remote Pumping Stations Improvements

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23. Town Clerk/Council Clerk Cirillo re docket closing date change for January 6, 2010 Council Meeting
24. Class F Intoxicating Beverage License granted to St. Elizabeth Church/Holy Trinity, 577 Wood Street for a fundraiser on December 5, 2009
25. Jeffrey Furtado, Portsmouth Deputy Chief of Police to Police Chief Canario re thank you for assistance

See items Z1f and Z5a below

26. Curtis & Barbara Cabral, Tiverton, RI to Police Chief Canario re thank you for service

See item Z1f and Z5a below

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS
(office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Bristol Warren Regional School Committee - Workshop/Meeting Schedule for 2010
2. Recreation Board - November 10, 2009
3. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - November 19, 2009
4. Bristol County Water Authority/Board of Directors - November 10, 2009
5. Zoning Board of Review - December 7, 2009
6. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - November 16, 2009
7. Bristol Warren Regional School District - Schedule of Meetings, Week of November 16, 2009

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8. Bristol County Water Authority - December 2009 Meetings
9. North and East Burial Grounds Commission - November 23, 2009
10. (Bristol Warren Regional School Committee) Future Enrollment & Facilities Task Force - November 24, 2009
11. (Bristol Warren Regional School Committee) Personnel/Contract Subcommittee - BWEA Grievance Hearing, November 23, 2009
12. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - November 23, 2009
13. Bristol Warren Regional School Committee - November 23, 2009
14. Bristol Warren Regional School District - Schedule of Meetings, Week of November 23, 2009
15. Board of Fire Engineers - November 30, 2009
16. Bristol County Water Authority - December 9, 2009
17. Bristol County Water Authority/Public Relations/Personnel Committee - December 2, 2009
18. Bristol County Water Authority/Audit Finance Committee - December 2, 2009
19. Bristol County Water Authority/Engineering Committee - December 2, 2009
20. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - December 3, 2009
21. Conservation Commission - December 7, 2009
22. Harbor Commission - December 7, 2009

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23. (Bristol Warren Regional School Committee)
Personnel/Contract Subcommittee - December 7,
2009
24. Bristol Warren Regional School Committee -
December 7, 2009
25. Bristol Warren Regional School District -
Schedule of Meetings, Week of December 7,
2009
26. Fourth of July Committee - Meeting Schedule
for 2010
27. Affordable Housing - Meeting Schedule for
2010
28. Conservation Commission - Meeting Schedule
for 2010
29. Democrat Town Committee - Meeting Schedule
for 2010
30. Downtown Public Building Blue Ribbon
Committee - Meeting Schedule for 2010
31. Economic Development Commission - Meeting
Schedule for 2010
32. Historic District Commission - Meeting
Schedule for 2010
33. Municipal Court - Meeting Schedule for 2010
34. Planning Board - Meeting Schedule for 2010
35. Recreation Board - Meeting Schedule for 2010
36. Zoning Board of Review - Meeting Schedule for
2010

S. TOWN SOLICITOR

1. Request for Executive Session pursuant to
RIGL §42-46-5 (a) (2)

Cordeiro/Herreshoff - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL

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§42-46-5 (a) (2) at 7:20 o'clock PM.

Barboza/Herreshoff - Voted unanimously to resume open session and seal the minutes of the Executive Session at 7:40 o'clock PM.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You Mike Davis and Steve Roth - Council Chairman Marshall thanked Messrs. Davis and Roth for filming this evening's meeting.

b. Madeline Grimo - Council Chairman Marshall acknowledged Ms. Grimo's receipt of the "Spirit of Christmas" Award by the Christmas Festival Committee.

c. Christmas Festival - Council Chairman Marshall congratulated the Christmas Festival Committee and thanked the members for their work in service to the Town.

d. Charter Review Commission - Council Chairman Marshall informed those present that he has been in attendance at the meetings of the Charter Review Commission and noted that the work of this Commission represented a "monumental" task.

e. Happy Holidays - Council Chairman Marshall wished those present a Merry Christmas and Happy New Year, etc.

f. Consent Agenda Items R25 and R26 - Council Chairman Marshall noted the receipt of correspondence concerning police matters and offered the Council's congratulations to those mentioned in said correspondence.

g. Cemetery Storm Line/Thames Street Drainage - Council Chairman Marshall noted the completion of the drainage projects on Chestnut Street and at the intersection of Thames and State Streets.

2. CORDEIRO

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a. Christmas Festival - Councilman Cordeiro offered his thanks and congratulations to the volunteers who worked on this year's Christmas Festival.

b. Merry Christmas, Happy Holidays - Councilman Cordeiro extended holiday wishes to all especially to those serving in the military.

3. PARELLA

a. Street Sweeping - Councilwoman Parella noted some recent street sweeping and that there appeared to be no posted signs thus resulting in cars parked during the sweeping activity. Town Administrator Mederos agreed to investigate same and noted that no-parking signs are typically posted in street sweeping areas in advance of the activity.

b. Pooper Scooper Ordinance - Councilwoman Parella reminded those present that those persons walking dogs have a responsibility to assure removal of the waste material. She noted that the problem of dog waste on the side walk and nearby grassy areas appears to be worsening. Town Administrator Mederos agreed to notify the police concerning this issue.

c. Holiday Wishes - Councilwoman Parella offered her holiday greetings to those present.

4. BARBOZA

a. Fiscal Health - Councilman Barboza noted that the year 2009 was particularly difficult financially for the Town and the State but that the Town was doing the "best job" to maintain its financial well-being.

b. Happy Holidays - Councilman Barboza extended his holiday wishes to all present.

5. HERRESHOFF

a. Police Officers - Councilman Herreshoff repeated the sentiments of Council Chairman Marshall concerning agenda items R25 and R26 and stated that he was pleased that the police

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officers were a "courteous group" with good comportment.

b. Ferry Road Paving - Councilman Herreshoff noted the recent curb-to-curb paving along Ferry Road and expressed concern that this was "not the best job" that he has observed. Councilman Herreshoff suggested that Town officials should be watchful and report any problems with the pavement.

c. Christmas Festival - Councilman Herreshoff stated that he was pleased to see a large turnout for the Christmas Festival activities and that the attendees were very enthusiastic.

d. Assessment/Revaluation - Councilman Herreshoff noted that the next revaluation is approaching and suggested that the Clerk should outline the "anticipated process timeline" including the selection of the revaluation consultant and that the Council should receive same for second meeting in January.

e. Holiday Greetings - Councilman Herreshoff extended his best wishes for happy holidays.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Happy Holidays - Town Administrator Mederos extended her best holiday wishes to those present.

CITIZENS PUBLIC FORUM

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Cordeiro and voted unanimously, the Chairman declared this meeting to be adjourned at 10:56 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk